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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,324	07/31/2001	John C. Alderman	US010355	3730
24737	7590	12/17/2003		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			EXAMINER MACCHIAROLO, PETER J	
			ART UNIT 2875	PAPER NUMBER

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/919,324	ALDERMAN ET AL.	
	Examiner	Art Unit	
	Peter J Macchiarolo	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9,10,15 and 16 is/are allowed.
- 6) ☐ Claim(s) 1-3,5,7,8,11,12,17,18 and 20 is/are rejected.
- 7) ☒ Claim(s) 4,6,13,14 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The reply filed on October 22, 2003 consists of changes to the claims, and further, the reply consists of remarks related to the prior rejection of claims in the previous Office Action. However, claims 1-20 are not allowable as explained below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

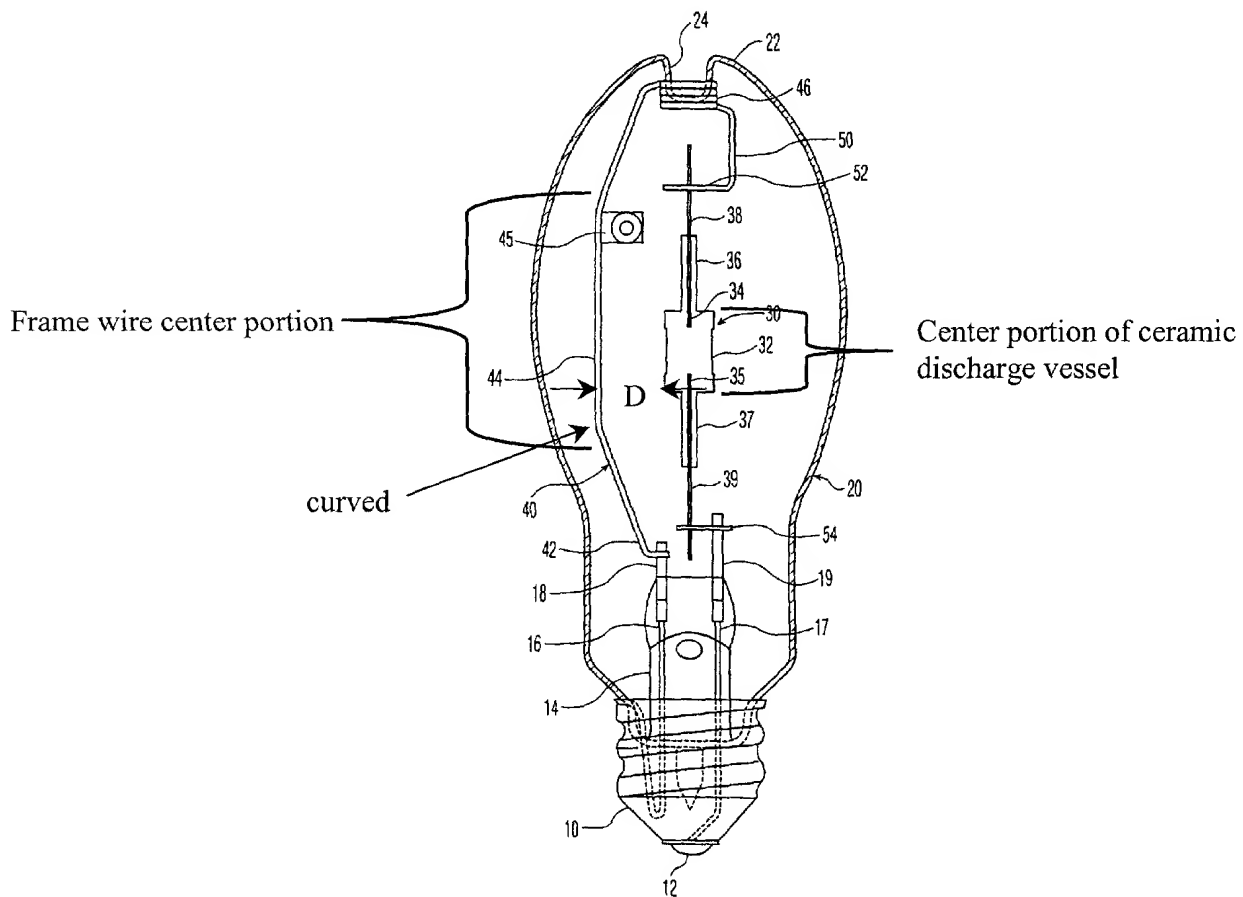
2. Claims 1-3, 5, 7, 8, 11, 12, 17, 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Shippee et al (USPN 6,326,721; "Shippee").
3. In regards to claims 1 and 17, Shippee discloses in figures 2 and 3, an outer bulb (20) enclosing a ceramic discharge vessel (30) enclosing a discharge space, wherein the cylindrical ceramic discharge vessel includes an ionizable material which is a metal halide, a first (16) and a second (17) discharge electrode feedthrough means, and a first (18) and a second (19) current conductor connected to the first and second discharge electrode feedthrough means respectively, the discharge lamp having a single substantially curved frame wire (40) supporting the ceramic discharge vessel and connected to one of said current conductors (18), and extending between the ceramic discharge vessel and the glass bulb. Shippee further discloses that the curved frame

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wire is curved away from the ceramic discharge vessel and toward the glass bulb at least in a center portion adjacent a center portion of the ceramic discharge vessel whereby the center portion of the curved wire frame and the center portion of the ceramic discharge vessel are separated by a distance D (see below). The Examiner notes that the claim limitation:

...effective to reduce arc bending when compared to a discharge lamp wherein the frame wire extends substantially parallel to said glass bulb and a center portion of the frame wire adjacent a center portion of the ceramic discharge vessel is separated by a distance D1 that is less than said distance D.

is a functional limitation, which is not afforded any patentable weight. Shippee's wire



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structure inherently possesses the recited function.

4. In regards to claims 2-3 and 5, Shippee discloses all of the recited limitations of claim 1 (above).

Shippee further discloses in figure 2, the ceramic discharge vessel is a substantially cylindrical arc tube and the curved frame wire extends outwardly from the arc tube at a distance whereby the maximum distance D between the center portion of the arc tube and the center portion of the curved frame wire is at least twice the distance D1 from the center portion of the arc tube to the center portion of the filed wire in a discharge lamp wherein the frame wire extends substantially parallel to the arc tube. Shippee further teaches in figure 2, the frame wire is a curved frame wire that extends adjacent to and substantially follows the contour of the glass bulb. The Examiner notes that the limitation in claim 5,

...and in which the heat impact of the arc tube on the lamp components does not effectively reduce the lamp life.

is a functional limitation, which is not afforded any patentable weight. Shippee's wire structure inherently possesses the recited function.

5. In regards to claims 7 and 8, Shippee discloses all of the recited limitations of claim 2 (above).

6. Shippee further discloses in figure 2, and column 2 lines 33-39, that the aspect ratio of the arc tube is about 3.3-6.2, with the distance between two electrodes ranging from 10mm to 60mm.

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7. In regards to claims 11-12, 18, and 20 Shippee discloses all of the recited limitations of claims 1 and 17 (above).

8. Shippee further discloses in column 2 lines 23-32, that the curved frame wire is formed from stainless steel and follows the contours of the glass bulb.

Response to Arguments

9. Applicant's arguments filed October 28, 2002 have been fully considered but they are not persuasive.

10. The Applicant argues that Shippee fails to disclose the crux of Applicant's invention, i.e. "a wire mounting frame which is curved in a center portion adjacent a center portion of the ceramic discharge vessel," (page 9, paragraphs 4-5, of Arguments).

11. However, the only limitation that Applicant uses to further define "a center portion" is that it is adjacent to a center portion of the ceramic discharge vessel. Figure 2 of Shippee has been reproduced above to clearly show that the center portion is indeed curved adjacent to a center portion of the ceramic discharge vessel.

12. The Examiner notes that "curved" is defined as follows:

- a. A line that deviates from straightness in a smooth, continuous fashion.
- b. Something characterized by such a line or surface, especially a rounded line¹.

¹The American Heritage® Dictionary of the English Language, Third Edition copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Examiner notes that U.S. Patent 4,963,790 to White et al may also be interpreted to anticipate the claims. However, this art is not relied upon in this office action.

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

15. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

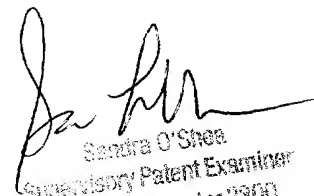
16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J Macchiarolo whose telephone number is (703) 305-7198. The examiner can normally be reached on 7:30 - 4:30, M-F.

17. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (703) 305-4939. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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18. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

pjm



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800